

KATHLEEN A. LEAVITT  
CHAPTER 13 BANKRUPTCY TRUSTEE  
201 Las Vegas Blvd South  
Suite 200  
Las Vegas, NV 89101  
(702) 853-0700

E-FILED

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:  
BRIAN D CHRIST

CASE NO: BKS-16-16819-MKN

CHAPTER 13

Hearing Date: March 16, 2017

Hearing Time: 1:30 pm

HAROLD C COMANSE ESO  
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN  
#1 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

The Trustee herein, Kathleen A. Leavitt, hereby objects to confirmation of Plan and hereby represents the following:

The debtor(s) filed for Chapter 13 relief on 12/29/2016. The 341(a) Meeting of Creditors held on February 07, 2017 at 8:00 am was:

- Concluded

The Trustee objects to confirmation of the Chapter 13 Plan for the following reason(s):

- Debtor(s) failed to commence Plan payments [11USC § 1326 (a) (1)]
- Debtor(s) are delinquent in plan payments
- Other: Provide to the Trustee a copy of 401k loan payoff statement; Provide copies of Mrs. credit card statements.
- The Plan fails to provide for all of the Debtor's disposable income [11 USC § 1325 (b)(1)(B)] based on voluntary contribution to retirement.
- The plan fails to provide for all of the Debtors' disposable income as calculated on form B22C2 Chapter 13 Calculation of Your Disposable Income, pursuant to 11 USC § 1325 (b)(1) (B).

• Trustee objects to the following deduction of expenses on Form B22C2 Chapter 13 Calculation of Your Disposable Income, as they are not allowable under 11 USC §707(b)(2)(A) (ii) and 11 USC §1325(a)-(b), and therefore Debtors have failed to provide for all of their disposable income:

- Line 22: Object to additional health care expense in the amount of \$784
- Line 31: Object to charitable contribution in the amount of \$500
- Line 41: Object to retirement deductions in the amount of \$1050

- Debtor failed to file tax returns for tax years 2016. [11 USC § 1308(a) and § 1307(e)]
- Pursuant to LR 3015(h), Debtor(s) must demonstrate that all secured payments are current as of the date of confirmation.

The Debtor(s) has failed to cooperate with the Trustee [11 USC § 521(a)(3)] as the following documents were not provided:

- All tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition. Specifically, tax years 2012, 2013 and 2016.
- Paystubs for the following periods: June – October 2016 for Mrs.; June –November 2016 for Mr. .11 USC §704(a)(4) and/or 11 USC §521(a)(1)(B)(iv)

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 USC §704 and/or §1302 as the Debtor did not provide the following documents:

- Verification of medical expense and charitable contribution.
- Bank Statements for the following periods: Wells Fargo (6/29/16-12/29/16) and Wells Fargo #6893 (12/21/16-12/29/16).
- Statement of Financial Affairs: #8: list (2) closed Bank of America accounts.
- Amendment to Plan: section 1.05: correct liquidation value amount to \$8,400 based on household goods, firearms and vehicles; section 1.11: list tax refunds to commence with 2016-2020 .
- Amendment to Schedule B. Personal Property: list bank account #7356 per Mrs. paystubs; list bank account #4966 per Mr paystubs; list all bank account numbers.
- Amendment to Schedule I. Current Income of Individual Debtor(s): Trustee objects to voluntary retirement contribution.
- Amendment to Schedule J. Current Expenditures of Individual Debtor(s): remove mortgage payment amount.

WHEREFORE, the Trustee objects to confirmation and recommends that this case be dismissed.

Dated: 2/9/17

/s/ Kathleen A. Leavitt  
Kathleen A. Leavitt  
Chapter 13 Trustee

1 KATHLEEN A. LEAVITT  
2 CHAPTER 13 STANDING TRUSTEE  
3 201 Las Vegas Blvd South  
4 Suite 200  
5 Las Vegas, NV 89101

6 **UNITED STATES BANKRUPTCY COURT**  
7 **DISTRICT OF NEVADA**

8 **IN RE:**

**CASE NO: BKS-16-16819-MKN**  
**Chapter 13**

9 **BRIAN D CHRIST**

**Debtor (s)**

10 **CERTIFICATE OF SERVICE**

11 1. On February 09, 2017, I served the following document(s):

12 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #1 COMBINED WITH**  
13 **TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

14 2. I served the above-named documents(s) by the following means to the persons  
15 as listed below:

16 **United States mail, postage fully prepaid**

17 BRIAN D CHRIST  
430 OLD WASHOE CIRCLE  
WASHOE VALLEY, NV 89704

HAROLD C COMANSE ESQ  
200 S VIRGINIA ST 8TH FL  
RENO, NV 89501

18  
19 **I declare under penalty of perjury that the foregoing is true and correct.**

20 Signed on: 2/9/17

21 /s/ Esther Carr  
22 Employee of  
Kathleen A. Leavitt  
Chapter 13 Standing Trustee